

### **REMARKS/ARGUMENTS**

Claims 20-34 are pending in the present application. Claims 22, 23 and 32-34 are cancelled by the present Amendment. Claims 20 and 24 are amended by the present Amendment. Support for the claim amendments can be found at page 16, lines 5-9 of the specification and claims 22 and 23. It is respectfully requested that the rejection of the claims be reconsidered in view of the claim amendments and the following remarks.

Claims 20-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 20-34, as amended, are directed to a method of preparing an assay sample for discriminating bacteria, comprising the step of mixing a urine sample with a first reagent comprising a cationic surfactant and a substance capable of reducing nitrite ions, and a second reagent comprising a polymethine dye for staining bacteria. In response to the rejection, claim 20 has been amended to recite the specific cationic surfactants and the specific polymethine dyes that can be used in the claimed method. Claims 22 and 23 are cancelled as the limitations of these claims have been incorporated into claim 20. Claims 32-34 are cancelled by the present Amendment. The remaining pending claims are all dependent on claim 20. Accordingly, all of the claims as amended are of a scope commensurate with the teaching of the present invention. Such teaching would enable one of ordinary skill in the art to practice the presently claimed invention.

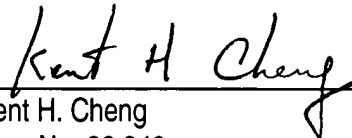
It is respectfully requested that the rejection of claims 20-34 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement be withdrawn in view of the present claim amendments.

Claims 20, 25-28 and 30-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 20-34, as amended and as discussed above, are of a scope commensurate with the teaching of the present invention. Accordingly, pending claims 20, 25-28 and 30 and 31 comply with the written description requirement.

It is respectfully requested that the rejection of claims 20, 25-28 and 30-34 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement be withdrawn in view of the present claim amendments.

If any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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